



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5712

by Rep. Tim Butler

SYNOPSIS AS INTRODUCED:

New Act

Creates the Cook County State's Attorney Recall Act. Establishes a procedure for an election to recall the Cook County State's Attorney. Effective immediately.

LRB102 21438 HLH 30554 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Cook
5 County State's Attorney Recall Act.

6 Section 5. Applicability. In the event this Act conflicts
7 with any other provisions of law, this Act shall control
8 notwithstanding those other provisions of law.

9 Section 10. Recall election - Cook County State's
10 Attorney.

11 (a) The recall of the Cook County State's Attorney may be
12 proposed by a petition signed by a number of electors equal in
13 number to at least 5% of the total votes cast for Cook County
14 State's Attorney in the preceding election. A petition shall
15 have been signed by the petitioning electors not more than 150
16 days after an affidavit has been filed with the Cook County
17 Clerk providing notice of intent to circulate a petition to
18 recall the Cook County State's Attorney. The affidavit may be
19 filed no sooner than 6 months after the beginning of the Cook
20 County State's Attorney's term of office. All proponents of a
21 recall petition must be registered voters who, based on their
22 residence, are qualified to vote for the office of Cook County

1 State's Attorney.

2 (b) The form of the petition, circulation, and procedure
3 for determining the validity and sufficiency of a petition
4 shall be as provided by law. If the petition is valid and
5 sufficient, the Cook County Clerk shall certify the petition
6 not more than 7 days after the date the petition was filed, and
7 the question "Shall (name) be recalled from the office of Cook
8 County State's Attorney?" must be submitted to the electors at
9 a special recall election called by the Cook County Clerk, to
10 occur not more than 60 days after certification of the
11 petition. A recall petition certified by the Cook County Clerk
12 may not be withdrawn and another recall petition may not be
13 initiated against the Cook County State's Attorney within the
14 6 months after a recall election failed to remove the Cook
15 County State's Attorney or if the Cook County State's Attorney
16 has less than 6 months remaining in his or her term. Any recall
17 petition or recall election pending on the date of the next
18 election at which a candidate for Cook County State's Attorney
19 is elected is void.

20 (c) If a petition to recall the Cook County State's
21 Attorney has been filed with the Cook County Clerk, a person
22 eligible to serve as Cook County State's Attorney may propose
23 his or her candidacy for the special successor primary
24 election by a petition signed by at least 20,000 legal voters
25 of Cook County, signed not more than 50 days after a recall
26 petition has been filed with the Cook County Clerk. All

1 petitions, and procedure with respect thereto, shall conform
2 in other respects to the provisions of the election and ballot
3 laws then in force in Cook County concerning the nomination of
4 independent candidates for public office by petition. If the
5 successor election petition is valid and sufficient, the Cook
6 County Clerk shall certify the petition not more than 60 days
7 after the date the petition to recall the Cook County State's
8 Attorney was filed.

9 If the Cook County State's Attorney is removed by the
10 special recall election, the names of candidates for Cook
11 County State's Attorney must be submitted to the electors at a
12 special successor primary election called by the Cook County
13 Clerk to be held 60 days after the special recall election. If
14 no candidate receives a majority of the votes in the special
15 successor primary election, a special runoff election shall be
16 held no later than 60 days after the special successor primary
17 election, and only the names of the candidates receiving the
18 highest and second highest number of votes at the special
19 successor primary election shall appear on the ballot. If more
20 than one candidate received the highest or second highest
21 number of votes at the special successor primary election, the
22 names of all candidates receiving the highest and second
23 highest number of votes shall appear on the ballot at the
24 special runoff election. The candidate receiving the highest
25 number of votes at the special runoff election shall be
26 declared elected.

1 (d) The Cook County State's Attorney is immediately
2 removed upon certification of the special recall election
3 results if a majority of the electors voting on the question
4 vote to recall the Cook County State's Attorney. If the Cook
5 County State's Attorney is removed, then (i) a special
6 successor primary election or special runoff election shall be
7 held to determine the next Cook County State's Attorney and
8 (ii) if no candidates are presented to the Cook County Clerk
9 within the times required by subsection (c) of this Section,
10 then a replacement Cook County State's Attorney shall be
11 appointed as provided by law in the event of a vacancy in the
12 office.

13 Section 15. Petitions.

14 (a) The following must be included in any recall petition
15 submitted under this Act:

16 (1) The name and title of the officer to be recalled
17 under the petition.

18 (2) A statement, not exceeding 200 words in length, of
19 the reasons for the proposed recall.

20 (3) The printed name, signature, and residential
21 address of each of the proponents of the recall.

22 (b) Within 7 days of the filing of a notice of intent to
23 recall the officer, the officer against whom a recall petition
24 is being attempted can officially file an answer, not
25 exceeding 200 words in length, to the proponents and a

1 statement of defense against the recall attempt.

2 (c) Proponents shall, if possible, publish a notice of
3 intent to circulate a recall petition in an English language
4 newspaper of general circulation in the relevant jurisdiction.
5 If no newspaper operates in the jurisdiction of the officer to
6 be recalled, proponents must post the notice of intent in at
7 least 3 public places.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.